



U.S. Department of Justice

*United States Attorney
District of Massachusetts*

Main Reception: (617) 748-3100

*United States Courthouse, Suite 9200
1 Courthouse Way
Boston, Massachusetts 02210*

April 22, 2009

By First Class Mail

John P. Moss, Jr., Esq.
675 Massachusetts Avenue, Suite 900
Cambridge, MA 02139

Re: United States v. Juan Pena-Rosario, et al.,
Criminal No. 08-CR-10384-NG

Dear Counsel:


In a discovery letter dated 4/3/09, you requested, *inter alia*, "any and all files related to the government cooperating witnesses or informants," including "any and all government (state or federal) files or reports which identify the cooperator/informant/witness and detail his/her participation in this or any other investigation." This request is without support in the Local Rules and is precluded by First Circuit case law with respect to the government's obligation's as to disclosure of confidential informants. *See United States v. Tejada*, 974 F.2d 210 (1st Cir. 1994). The government is aware of its *Brady* obligations, as well as its obligations under Rule 16 and Local Rule 116.2, to disclose any exculpatory evidence that might be contained in its files, and will comply with those obligations. At present the government has no intention of calling any confidential informants in its case-in-chief, but of course will comply with its obligations with respect to disclosure of information concerning any such witnesses should that intention change.

Please call the undersigned Assistant U.S. Attorney at (617) 748-3226 if you have any questions.

Very truly yours,

MICHAEL LOUCKS
Acting United States Attorney

By:



William J. Trach
Assistant U.S. Attorney